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4 TERRAFUSION INTERNATIONAL, INC.,  
5 et al.,

6 Plaintiffs,

7 v.

8 TERRAFUSION, INC., et al.,

9 Defendants.

10 Case No. 15-cv-02993-RS

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28 **ORDER DENYING REQUEST FOR  
EXTENSION**

In November 2016, Plaintiffs filed motions to dismiss and for summary judgment. Shortly thereafter counsel for Defendants moved to withdraw. The withdrawal motion was granted and Defendants were ordered to retain new counsel immediately. The hearing on Plaintiffs' motions was continued from December 15, 2016 to February 16, 2017.

At this point, Defendants still have not retained new counsel, nor opposed the pending motions. In a letter dated January 11, 2017, Mark Cukier, acting on behalf of TerraFusion Inc. and MCC Partners NY LLC, requested another sixty day continuance. While Mr. Cukier may not appear in federal court on behalf of his corporation, the request is nevertheless considered in order to avoid confusion. No good cause appearing, the request is denied. The hearing on Plaintiffs' motions will remain on calendar for February 16, 2017. Defendants have until February 10, 2017 to appear through counsel and oppose the motions. If they fail to do so, Plaintiffs will be directed to move for default judgment against them. *See United States v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (holding that when a defendant is ordered to retain counsel and the defendant fails to do so, entry of a default judgment against defendant is "perfectly appropriate"). In the event that Defendants file opposition briefs on or before February 10, 2017, Plaintiffs shall file reply briefs, if any, on or before February 15, 2017. Pursuant to the order granting Zvi

1 Silver's motion to withdraw as counsel, Mr. Silver is directed forward this order to Defendants.

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3 **IT IS SO ORDERED.**

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5 Dated: February 3, 2017

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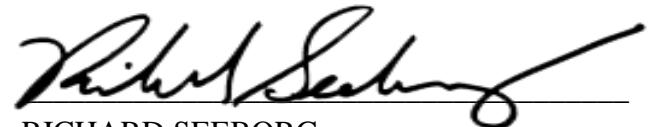
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RICHARD SEEBORG  
United States District Judge

United States District Court  
Northern District of California

ORDER RE: REQUEST FOR EXTENSION  
CASE NO. 15-cv-02993-RS